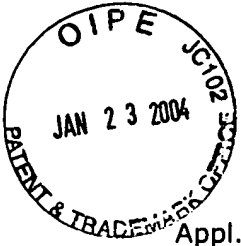


Application No.: 09/871,309.  
Reply to Office Communication of: January 16, 2004

MAT-8140US



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

RECEIVED  
FEB - 2 2004  
TECHNOLOGY CENTER 2800

Appl. No.: 09/871,309  
Applicant: H. Yamada et al.  
Filed: May 30, 2001  
Title: RESISTOR AND METHOD OF  
MANUFACTURING THE SAME  
TC/A.U.: 2832  
Examiner: Karl D. Easthom  
Confirmation No.: 1614  
Docket No.: MAT-8140US

**PETITION UNDER 37 C.F.R. 1.181 FOR RESCISSION OF ABANDONMENT**

Attn: Office of Petitions  
Mail Stop Petition  
Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This Petition is being filed responsive to a Notice of Abandonment mailed in the above-identified Application on January 16, 2004 (copy enclosed).

The Notice alleges that a proper reply to the Final Rejection has not been received by the United States Patent and Trademark Office. Enclosed is a copy of a Request for Continued Examination filed on June 11, 2003. A copy of the return postcard, showing the stamp of OIPE is also enclosed.

Rescission of the Notice of Abandonment is respectfully requested.

Respectfully submitted,

Rather Prestia

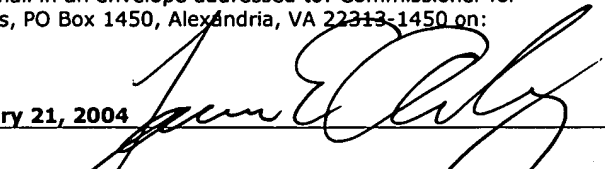
  
Lawrence E. Ashery, Reg. No. 34,515  
Attorney for Applicants

LEA:ds

Dated: January 21, 2004

Enclosures: Copy of Notice of Abandonment  
Copy of Request For Continued Examination  
Copy of Return Postcard

P.O. Box 980  
Valley Forge, PA 19482-0980  
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. <b>18-0350</b> of any fees associated with this communication.	I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on:   January 21, 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

MAT-8140US

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,309	05/30/2001	Hiroyuki Yamada	MAT-8140US	1614

7590 01/16/2004

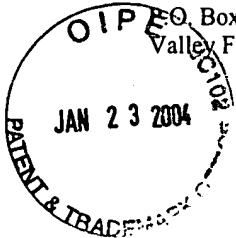
RATNER AND PRESTIA

Suite 301

One Westlakes, Berwyn

P.O. Box 980

Valley Forge, PA 19482-0980



RECEIVED

JAN 20 2004

Ratner &amp; Prestia

EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 01/16/2004

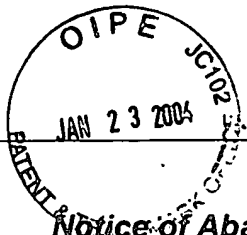
Petition to Revoke (imo)

2/16/04

Jad

Please find below and/or attached an Office communication concerning this application or proceeding

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FEB - 2 2004  
TECHNOLOGY CENTER 2800



COPY

AA

## Notice of Abandonment

Application No.

09/871,309

Examiner

Karl D Easthom

Applicant(s)

YAMADA ET AL.

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 April 2003.

(a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

(b) ☒ A proposed reply was received on 5/12/03, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

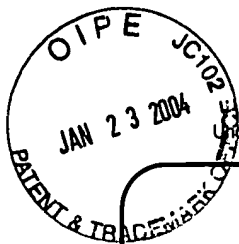
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

Karl D Easthom  
Primary Examiner  
Art Unit: 2832

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission 5

Application Number	09/871,309
Filing Date	May 30, 2001
First Named Inventor	Hiroyuki Yamada, et al
Art Unit	2832
Examiner Name	Karl D. Easthom
Attorney Docket No.	MAT-8140US

**ENCLOSURES (Check all that apply)**

- ☐ Fee Transmittal Form  
☐ Fee Attached
- ☐ Amendment/Reply  
☐ After Final  
☐ Affidavits/Declaration(s)

- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/  
Incomplete Application
- ☐ Response to Missing Parts under  
37 CFR 1.52 or 1.53

- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition
- ☐ Petition to Convert to a  
Provisional Application
- ☐ Power of Attorney, Revocation,  
Change of Correspondence  
Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) \_\_\_\_\_

- ☐ After Allowance Communication  
to Group
- ☐ Appeal Communication to Board  
of Appeals and Interferences
- ☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply  
Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please  
identify below):

Return Postcard

**Remarks:****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**Firm or  
Individual

Lawrence E. Ashery

Registration No. (Attorney/Agent)

34,515

Signature

Date

January 21, 2004

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

January 21, 2004

Name (Print/Type)

Lawrence E. Ashery

Signature

Date

January 21, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

© CDV



Date: June 11, 2003

Assistant Commissioner for Patents:

Please acknowledge receipt of the document(s) described below by imprinting the Patent and Trademark Office "date-stamp" hereon and returning this card to the addressee indicated on the reverse side.

FILE NO. MAI-814045 FEE DUE YES NO AMT. ENC'D \$750. <sup>03</sup>

NAME H. Yamada et al.

DOCUMENTS 1cc Transmitted; Check OIPE

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JUN 20 2003	JUN 13 2003
PATENT & TRADEMARK OFFICE	

09/871,309